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City of Alachua
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Clovis Watson, Jr., MBA
City Manager

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Mayor

Bonnie Burgess
Vice-Mayor

Jean Calderwood
Commissioner

Orien Hills
Commissioner

James Lewis
Commissioner

March 6, 2008

The Honorable Rodney Long, Chair
Alachua County
Board of County Commissioners (BOCC)
Post Office Box 2877
Gainesville, Florida 32602

Re: **BOUNDARY ADJUSTMENT ACT (BAA)**

Dear Chairman Long:

On behalf of the City of Alachua we would like to thank you for allowing us an opportunity to comment on the BAA. Our position at this time is that the BAA should be eliminated because it has not been applied in a fair, consistent, and impartial manner throughout the County. At times the process has become politicized and smaller municipalities were not treated equitably on a countywide basis.

If a consensus cannot be reached on our first position, then we would recommend at the very least that the County consider abdicating its role and allowing an impartial entity to be appointed by the CVPC to oversee and steward the process. We have taken this stance because during the last five-year update process, we negotiated in good faith for the NW 93rd Avenue area, those negotiations had concluded, but yet during the public hearing, those negotiations were not ratified by the County. Instead the hearing unfolded as if it were an annexation proceeding, when the topic at hand was urban reserves. If the BAA is to be held out as a model for growth and development that in turn will guide orderly annexations and delivery of urban services, then it must be enforced. Once the requirements of the BAA have been met for establishment of reserve areas, then the County must be compelled to adopt those reserve areas. In addition, should the BAA remain in force, we have suggested two changes to the Act based upon our observations and experiences over the last several years, copies attached, that should occur.

We remain available to respond and to initiate any dialogue that you deem appropriate. Again, our goal is not to cast aspersions on party, but seek an unbiased solution to maintain the integrity of an objective process that its authors clearly had in mind when it was written. We recognize that during the 2005/2006 update process many hours of dedication were put into the process by all parties. However, we still believe


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that the BAA should be eliminated. Finally, we recognize that any actions with regards to the BAA must be brought forward as a consensus to our Legislative Delegation.

Respectfully,


Clovis Watson, Jr., MBA
City Manager

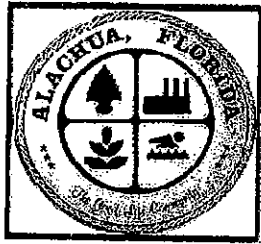
cc: Honorable Mayor and Members of Alachua City Commission
Honorable Mayor and Members of Archer City Commission
Honorable Mayor and Members of Gainesville City Commission
Honorable Mayor and Members of Hawthorne City Commission
Honorable Mayor and Members of High Springs City Commission
Honorable Mayor and Members of LaCrosse City Commission
Honorable Mayor and Members of Micanopy City Commission
Honorable Mayor and Members of Newberry City Commission
Honorable Mayor and Members of Waldo City Commission

City of Alachua

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CITY OF ALACHUA

TEXT CHANGE CONSIDERATIONS
BOUNDARY ADJUSTMENT ACT
ALACHUA COUNTY

February 29, 2008

BACKGROUND: The Boundary Adjustment Act (BAA) is a special legislative act in Alachua County. It establishes procedures and processes to follow for establishing municipal reserve areas, known as Urban Reserve Areas (URA), and for adjusting municipal boundaries through either voluntary or referendum annexations, and contractions. The purposes of the BAA are to ensure-

- sound urban development and accommodation to growth
- efficient provision of urban services to areas that become urban in character
- annexation occurs only in areas where municipal services can be provided
- cooperation between municipalities and Alachua County regarding the provision of services and regulation of urban areas at the boundaries of municipalities
- procedures relating to annexation protect all affected parties; and
- development in designated reserve areas efficiently utilize services and prevent urban sprawl.

Issue #1: We believe that the BAA needs additional text that will require it to be enforced in a fair and impartial manner. A change is necessary to maintain the integrity of the proceedings. Our suggested revision is based upon our experience during the last Five-Year Update process that was concluded on January 10, 2006, during a legislative public hearing. During that hearing, subjective testimony was used as the sole basis for making a final determination, despite our demonstration that each and every tenet of Sections 225.05 Establishment of Reserve Areas, 225.06 Criteria for Designating Reserve Areas, and 225.07 Procedure for Amending Reserve Area Designations and Statements relative to the NW 93rd Avenue Reserve Area had been met. At no time during the public hearing was any challenge levied that we had not meet these criteria.

Recommendation: We strongly recommend that the BOCC consider adding this text to the BAA.

Section 225.05 Establishment of Reserve Areas

(7) Such statements shall include only statements on which there is agreement between the county and the municipality for which the reserve area has been designated. Prior to adopting the designation and statements pursuant to this subsection, the county shall give public notice and shall hold a public hearing. **The public hearing shall be conducted as a quasi-judicial proceeding and expert testimony shall be entered into the public record.**

Issue #2: Since the BAA was enacted *prior* to Florida State Statutes (FSS) Chapter 171, the definition of an **enclave** in the BAA is inconsistent with FSS. The BAA inserts the word “totally” enclosed, whereas, FSS simply states enclosed. The BAA also goes on to add a definition for an enclave that involves more than one municipality. FSS makes no such reference. This issue came to light for us during the McGinley annexation.

Recommendation: We strongly recommend that the BOCC consider deleting this text in the BAA:

Section 225.04 Definitions.

(7) Enclave means: ~~(e) An unincorporated area which is totally enclosed within and bounded by more than one municipality, or more than one municipality and a natural or manmade obstacle which prohibits the passage of vehicular traffic unless the traffic passes through one or more of the municipalities.~~

Conclusion: It is for the foregoing reasons that we respectfully request that the BOCC take our comments under consideration for amendments to the BAA.



CITY OF ARCHER

Laurie Costello, Mayor
Leann Slaughter, Vice Mayor

Received: Commission Office
Date: 2-06-08
From: Chair
To: BoCC, RHR, D.Wagner, Agenda
R. Drummond
[Signature]

Commissioners
Samuel P. Clark
Roberta Hodges
Blanch Parker

City Manager
J. Douglas Drymon

City Attorney
Allan H. Kaye

January 30, 2008

Rodney J. Long, Chairman
Alachua County Commission
P.O. Box 2877
Gainesville, FL 32602-2877

Subject: Alachua County Boundary Adjustment Act

Dear Chairman Long:

The Archer City Commission has discussed your request for feedback on the Alachua County Boundary Adjustment Act. The City Commission believes that the Boundary Adjustment Act has proven useful in terms of serving to defuse potential annexation conflicts between Alachua County's nine municipalities. However, we also feel that in view of the changes that have been enacted to the State Statutes governing annexation since the Boundary Adjustment Act was first adopted, it now would be beneficial to institute major reform to the Act. We would fully support any and all efforts undertaken by Alachua County and its nine municipalities to accomplish this goal.

Respectfully,

Laurie Costello
Mayor

Cc: Archer City Commission
Randall Reid, Alachua County Manager



City of Gainesville

Pegeen Hanrahan, Mayor

March 4, 2008

Honorable Rodney J. Long, Chair
Alachua County Board of County Commissioners
P.O. Box 2877
Gainesville, FL 32602-2877

Dear Chair Long:

I am writing to you in your role as Chair of the Countywide Visioning and Planning Committee (CVPC). The Gainesville City Commission discussed two requests from the CVPC at the February 25, 2008 Commission meeting.

First, the Commission endorsed the changes to the Conceptual Plan recommended by the CVPC. Second, the Commission believes that the Boundary Adjustment Act (BAA) should be retained and updated.

A number of changes have been made to state law governing annexation since the BAA was approved. The Commission believes these changes to state law and any other potential improvements to the BAA should be reviewed by the CVPC or a multi-jurisdictional task force as identified in the Conceptual Plan. The Commission may provide further communication on its position after reviewing options for specific modifications to the BAA.

Sincerely,

Pegeen Hanrahan
Mayor

PH:PF:dla

cc: Gainesville City Commissioners
Russ Blackburn, City Manager
Paul Folkers, Assistant City Manager
Becky Rountree, Administrative Services Director
Karen Billings, Strategic Planning Manager
Randy Reid, County Manager
Laura Kane, Alachua County Manager's Office



2/19/2008

Commissioner Rodney Long
Alachua County Board of County Commissioners
P.O. Box 2877
Gainesville, Florida 32602-2877

Commissioner Long:

Per your request at the January 24, 2008 Countywide Visioning and Planning Committee meeting, the Hawthorne City Commission has discussed the application of the Boundary Adjustment Act (BAA). In our opinion, the BAA should be repealed in its entirety.

The BAA was designed to minimize boundary disputes between municipalities. As such, the BOCC was given the authority to arbitrate those disputes. However, experience has shown that the BOCC has become the major party of boundary disputes, instead of an impartial arbiter of them. Because of this, the Boundary Adjustment Act has actually increased the number of boundary disputes, rather than minimizing them.

The BAA adds a number of steps to processing an annexation, mainly the preparation and approval of an Urban Services Report. This report serves no purpose other than to delay the annexation process. Any landowner wishing to voluntarily annex already knows the benefits and detriments of the proposed annexation. Voters will certainly be informed in a voted referendum. The annexing City will assess the benefits and detriments of the proposed annexation as part of the regular annexation process.

With the Boundary Adjustment Act repealed, annexation in Alachua County would follow the process prescribed in general law. This is the process used elsewhere in Florida.

Because annexation is treated differently in Alachua County under the BAA than in the rest of Florida under general law, the annexation process has

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CITY OF HAWTHORNE

2/19/2008

not been updated in Alachua County as it has been in the rest of the state. The example of this would be the treatment of enclaves. General law has been amended to allow the annexation of enclaves through an agreement between the City and the County. If the BAA is repealed, then these enclaves could be eliminated through the provision in General Law.

In sum, we believe that the BAA has not achieved the benefits projected when it was enacted and that it has created a number of additional problems that outweigh its intended usefulness. As a result, we feel that the BAA should be repealed.

We trust that you will carefully weigh our recommendation, and those of the other municipalities, and that the BOCC will make the appropriate decisions.

Sincerely,

Mayor DeLoris Roberts
City of Hawthorne

Vice Mayor John Martin
City of Hawthorne

Commissioner Elenor "Kit" Randall
City of Hawthorne

Commissioner Michael Rutledge
City of Hawthorne

Commissioner Patricia Bouie
City of Hawthorne

City of High Springs
110 NW 1st Avenue
High Springs, Florida 32643



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OFFICE OF THE MAYOR

March 4, 2008

Rodney Long, Chair
Alachua County Board of County Commissioners
Post Office Box 2877
Gainesville, FL 32602-2877

Dear Commissioner Long:

The City of High Springs City Commission has discussed the Boundary Adjustment Act (BAA) and the cumbersome annexation process several times over the past few years. At the request of the County and other municipalities, our City Commission recently discussed the pros and cons of amending or repealing the Boundary Adjustment Act. The City Commission expressed that the Boundary Adjustment Act should be amended.

The amendments that are recommended are as follows:

1) The process of annexation should mirror general State Law used within the other counties of Florida and remove the role of the County government for municipal oversight. We believe the County was originally seen as a neutral party to resolve issues between cities regarding boundaries and annexation procedures. However, this has proven not to be the role the County has taken. The County, much like a municipality, has a vested interest in annexation financially. It is our belief that this has resulted in the County delaying and even discouraging annexation through the actions of their staff. Controversy of recent annexation attempts by the City of Alachua and Gainesville makes it appear that the County benefits from discouraging annexation of the unincorporated urban areas west of Gainesville. The County, a rural level of government, approving urban development of the areas just outside a city also makes it clear that the County is creating urban sprawl and is competing with cities for taxes from urban development. An example is Jonesville, which if incorporated would be larger in population than most of the other municipalities in this County. That development should have been planned within Gainesville and/or Newberry, but instead it is an urban unincorporated city under County authority.


Letter to Chair Long
March 4, 2008
Page Two

It is our City's opinion that Alachua County municipalities should not continue to be subject to a subordinate role in the annexation process. The Urban Service Report should not be required to be given to the County for review and approval. The City governments may wish to do this exercise at their discretion, but the County should not be able to delay or derail annexation through the current process. The cities should be able to annex a parcel or parcels under the same guidelines and procedures all other Florida cities do as prescribed under F.S. Chapter 171.

2). The section of the BAA covering urban reserve boundaries should remain in effect and should continue to be reviewed for potential change every five years. The approval of the boundaries should not be the Alachua County BOCC as they have a vested interest in the outcome. It is recommended that there should be created an intergovernmental Board with membership of the Mayor from each municipality and the Chair of the BOCC, with each governmental entity receiving one vote. The established boundaries would be enforced by an intergovernmental agreement of all municipalities and the County as prescribed in the BAA. This would replace the current policy of the County BOCC determining which City receives what boundary. It would also avoid the appearance of arbitrary decisions of the County to reduce Urban Reserve Areas. Examples being the reduction of URA for the City Archer and the Town of Micanopy in the last cycle of review. Again, the County has a vested interest financially in setting these boundaries. In order to have a neutral staff prepare and conduct this process every five years, all the cities and the County may wish to contract with the North Central Florida Regional Planning Council.

It is a new century and it is time for a new updated policy that will work better for Alachua County and the nine municipalities. The City of High Springs is eager to work together in a professional manner with our partners to develop such a policy.

Sincerely,


Larry Travis
Mayor

TOWN OF LACROSSE

February 12, 2008

Commissioner Rodney Long
Alachua Board of County Commissioners
P.O. Box 2877
Gainesville, Florida 32602-2877

Received: Commission Office

Date: 2-15-08

From: Chair

To: BoCC, RHR, D.Wagner, Agenda

R. Drummond

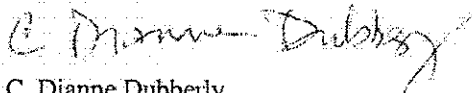
Dear Chair Long:

In accordance with your request as part of the Countywide Visioning and Planning Committee process, the LaCrosse Town Council has discussed the effectiveness of the Boundary Adjustment Act.

By majority vote 3 to 2 at the regularly scheduled meeting on February 11th, the Council voted in favor of rescinding the Boundary Adjustment Act along with the created Urban Reserves (UR) and Extraterritorial Areas (ETA), and to determine future annexations based on general law.

These recommendations are forwarded for your consideration.

Sincerely,



C. Dianne Dubberly
Mayor

PO Drawer D/LaCrosse, Florida 32658
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lacrosse386@windstream.net

Chairman Long.

In response to your request to gauge the opinions of Newberry's commissioners as to the health and viability of the Boundary Adjustment Act the following is a consensus of their views. The Act was created in 1990 and has not undergone review for eighteen years; now is time for such a review. While the position of Newberry's commissioners is varied (some supporting repeal some for review) the majority feel that the act provides a frame work for comprehensive planning and provides for a level of surety in the establishment of municipal urban reserves. Repeal of the act would not negate the need for providing those services. The areas which are in need of review are the mechanisms for annexation, reserve boundaries and the placement of the BOCC as arbitrator of disputes. State law on annexations has progressed since 1990; the current language in the act is cumbersome, places too much power with the BOCC and needs to be streamlined. One of the suggestions we have is to reinstate section 12 which was removed from the act in 1991, it reads as follows: Section 12. Annexation of certain enclaves. - When the reserve area designation becomes final, any enclave described in subsection (7) of section 4 is hereby annexed by the surrounding municipality if it is within the municipality's reserve area. The provisions of this act requiring a referendum shall not apply to such annexation. Act.

The issue of the BOCC acting as arbitrator and manager of the act has created a issue as to fairness in the decisions made by county staff and the BOCC in managing reserve areas and handling of annexations, we feel that the creation of some sort of impartial board to review the operational aspects of the act and decide disputes would go a long way to alleviate this issue. In short we in Newberry feel that the act provides a necessary function in our community, if it were repealed we would have to create something to take its place. Why not address its faults and work towards making it a viable document. That being said, a quick fix is not what we need, we have seen how quick fixes work in the property tax area, we need a through review of the act because any changes need to be unanimous and that unanimity is not present at this point in time



John Glanzer
Mayor City of Newberry

City of Waldo



Established 1859

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Waldo, Fl. 32694
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March 4, 2008

Commissioner Rodney Long
Alachua County Board of County Commissioners
P. O. Box 2877
Gainesville, Fl. 32602-2877

Commissioner Long:

In response to your request at the January 24, 2008 Countywide Visioning and Planning Committee meeting, the Waldo City Council discussed the application of the Boundary Adjustment Act (BAA). The Council discussed some pros and cons and then recommended to have City Planner, Laura Dedenbach to give her recommendations on the BAA. Attached, please find her recommendations.

If you have any questions please feel free to give me a call

Sincerely,

Kim Worley
City Manager



Plan-it U.S., LLC

March 4, 2008

TO: Kim Worley, City Manager
FROM: Laura Dedenbach, AICP
RE: Recommendations for Revision of the Chapter 225, *Alachua County Code*,
"Alachua County Boundary Adjustment Act."

Per your request, and as a follow-up to my memo dated February 6, 2008, on the differences between annexation procedures under Florida Statutes and the Alachua County Boundary Act (BAA), I am providing the following recommendations for revision of the BAA.

- ❖ The procedures for voluntary and referendum annexation in the BAA should be repealed. The municipalities should use the procedures for annexation found in Chapter 171, *Florida Statutes (F.S.)*.
- ❖ Appeals of annexations should continue to be as provided in Ch. 171.081, *F.S.* Section 225.11 of the BAA states that appeals should be as provided in general law. Ch. 171.081, *F.S.*, requires that annexation appeals filed by local governments be preceded by conflict resolution. Only after conflict resolution failure may the affected local government file in circuit court. The appeals process under Ch. 171.081, *F.S.*, should also be applied to appeals of designations of reserve areas.
- ❖ The establishment and amendment of reserve areas should be retained with amendment to designation criteria and procedures.
- ❖ The criteria for designation of reserve areas under Section 225.06, *F.S.*, should be revised as follows:
 - Extend the timeframe for service provision and becoming urban in character from 10 years to 20 years to match the timeframe of the Comprehensive Plan.
 - Remove the criteria that urban services could be more efficiently provided by the county. The provision of urban services should be the responsibility of municipalities. If the county provides urban services to areas outside of municipalities, then that promotes sprawl and inefficient service delivery.

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- ❖ The procedures for amending reserve areas under Section 225.05, F.S., should be revised as follows:
 - The five-year timeframe for amendment to reserve areas should be amended to be consistent with the Evaluation and Appraisal Report process, which occurs every seven years. This would provide the opportunity to bring future land use and infrastructure planning for the reserve areas into the Comprehensive Planning process.
 - The determination of whether an amendment request meets the requirements of the BAA should be first reviewed and determined by a special magistrate based on specific criteria in a quasi-judicial public hearing. The decision of the special magistrate would then be ratified by the Board of County Commissioners.
 - All portions of Section 225.05, BAA, that refer to the abdication of the county's duties to the most populous municipality filing for reserve area amendment should be removed.
 - A future land use plan should be established for reserve areas. This future land use plan would be conceptual in nature, meaning that the land uses could not be implemented by the county. The future land use plan would assign land uses which would be implemented by the municipality upon annexation of the parcel. This would truly allow for the land use and infrastructure planning that would guide municipal annexation and growth management.

I hope that this information will be helpful to you and the City Council in their deliberations on the BAA. Please do not hesitate to contact me if you have any questions.